

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

June 6, 2005

William L. Zawila
Counsel for Estate of Linda Ware,
Cynthia Ramage, Executor
12600 Brookhurst Street, Suite 105
Garden Grove, CA 92840

Re: KZPO-FM, Lindsay, California
Request for Waiver of Regulatory Fees
Fee Control No. 00000RROG-05-036

Dear Mr. Zawila:

This responds to your February 10, 2005 petition on behalf of the Estate of Linda Ware, Cynthia Ramage, Executor (Ware Estate), for waiver of regulatory fees¹ for KZPO-FM, Lindsay, California. Our records show that the FY 2003 and FY 2004 regulatory fees in the amounts of \$906.25 and \$593.75, respectively, including late payment penalties, have not been paid.

In your petition, you state that the Ware Estate is insolvent and may possibly enter bankruptcy.² You also state that the Ware Estate faces severe financial hardship. You further state that KZPO-FM has been able to provide service to the public only through the cooperation and forbearance of its creditors and with volunteer help from the public. Finally, you state that KZPO-FM is the only local service at Lindsay, California, and in the public interest should be maintained on the air to provide service to the community. Finally, you state that grant of your waiver request will allow reinstatement of your application to transfer KZPO-FM to Lazer Broadcast Corporation, which will maintain the station on the air to provide service to the public.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995). Regulatees can establish financial hardship by submitting

information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information. 10 FCC Rcd at 12762.

¹ Your petition does not state the fiscal year for which you request waiver of the regulatory fees.

² Although your letter states that documentation supporting your claim of financial hardship "is being compiled and will be submitted as a supplement hereto as soon as possible," no such supplement has been received.

In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case for relief. Therefore, your request for waiver is denied. Payment of the FY 2003 and FY 2004 fees and penalties, totaling \$1,500, is now due. The regulatory fee should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, insofar as you may be relying on financial hardship, in lieu of payment, you may refile the request for relief together with appropriate supporting documentation and a request to further defer payment of the fee, within 30 days from the date of this letter.

As to your request that your application to transfer KZPO-FM to Lazer Broadcasting be reinstated, please note that we will address this matter separately from your fee waiver request.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



f Mark A. Reger
Chief Financial Officer

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In Re Estate of Linda Ware,)
Cynthia Ramage, Executor,)
Petitioner -)
Radio Station KZPO(FM),)
Lindsay, CA)

File No. BALH-20040217AEJ

RECEIVED - FCC

FEB 11 2005

To: The Managing Director and
Chief, Media Bureau

Federal Communication Commission
Bureau / Office

PETITION FOR WAIVER OF REGULATORY FEES AND FOR
REINSTATEMENT OF APPLICATION -

Petitioner Estate of Linda Ware, Cynthia Ramage, Executor, hereby requests that the Commission waive regulatory fees for KZPO(FM), Lindsay, California, and reinstate the above-referenced application for assignment of KZPO(FM) from the Estate of Linda Ware, Cynthia Ramage, Executor, to Lazer Broadcasting Corporation.

On January 7, 2005, the Commission issued a letter to the Estate of Linda Ware, Cynthia Ramage, Executor, dismissing the above-referenced application for failure to pay regulatory fees for KZPO(FM). In its letter of January 7, 2005, the Commission referred to an earlier letter of November 8, 2004, characterized as a "red light letter" which apparently was the basis for the dismissal announced in the letter of January 7, 2005.

The letter of January 7, 2005, was directed to Washington counsel for the Estate of Linda Ware, Cynthia Ramage, Executor, Katten Muchin Zavis & Rosenman.

The letter of November 8, 2004, characterized as a "red light letter" was never received by the Estate of Linda Ware, Cynthia Ramage, Executor, prior to the letter of January 7, 2005, which announced the dismissal of the above-referenced application. It is the belief of the petitioner that the "red light letter" of November 8, 2004, was never received by the petitioner due to a deficient or incorrect address on the letter.

If the above-referenced "red light letter" of November 8, 2004, had been received by the petitioner, a petition for waiver of the regulatory fees discussed in the letter would have been filed prior to the dismissal of the above-referenced application.

REQUEST FOR WAIVER OF REGULATORY FEES -

The petitioner, the Estate of Linda Ware, Cynthia Ramage, Executor, is insolvent and bankruptcy is a distinct possibility.^{1/} The petitioner faces severe financial hardship. KZPO(FM) has been able to provide service to the public only through the cooperation and forbearance of its creditors and with volunteer help from the public. KZPO(FM) is the only local service at Lindsay, California. In the public interest, KZPO(FM) should be maintained on the air to provide service to the community. It is unknown how long the petitioner can continue to maintain KZPO(FM) on the air due to the petitioner's severe financial problems. Waiver of the regulatory fees for KZPO(FM) would allow

^{1/} Documentation supporting this statement is being compiled and will be submitted as a supplement hereto as soon as possible.

reinstatement of the above-referenced application which seeks to transfer KZPO(FM) to a known and financially capable broadcast licensee who will maintain KZPO(FM) on the air to provide service to the public.

Petitioner submits that it would be appropriate and in the public interest to waive the regulatory fee for KZPO(FM) so that the above-referenced application may be reinstated seeking transfer of KZPO(FM) to Lazer Broadcasting Corporation.

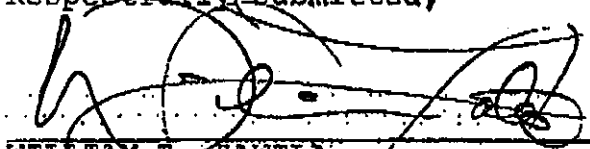
REQUEST FOR REINSTATEMENT OF APPLICATION -

Petitioner requests that the above-referenced application be reinstated in conjunction with a waiver of the above-discussed regulatory fee for KZPO(FM). The only ground for dismissal of the above-referenced application was failure to pay regulatory fees for KZPO(FM). Waiver of such regulatory fees would allow reinstatement of the above-referenced application which seeks to transfer KZPO(FM) to Lazer Broadcasting Corporation, a known and financially capable broadcast licensee who will maintain KZPO(FM) on the air to provide service to the public.

Petitioner submits that the waiver of regulatory fees for KZPO(FM) and the reinstatement of the above-referenced application would serve the public interest and that this petition should be granted for the reasons discussed above.

February 10, 2005

Respectfully submitted,


WILLIAM T. ZAWILA
Attorney For The Estate of
Linda Ware, Cynthia Ramage;
Executor

-3- 12600 Brookhurst Street-Suite 105
Garden Grove, CA 92840
(714) 636-5040 - Telephone
(714) 636-5042 - FAX

CERTIFICATE OF SERVICE

I, Karen R. Kelly, a secretary at Katten Muchin Zavis Rosenman, hereby certify that on this 11th day of February, 2005, a copy of the foregoing PETITION FOR WAIVER OF REGULATORY FEES AND FOR REINSTATEMENT OF APPLICATION was sent via Hand Delivery or First Class mail to the following:

Andrew S. Fishel*
Managing Director
Federal Communications Commission
445 Twelfth St., S.W.
Room 1-C152
Washington, D.C. 20554

Harry Martin, Esq.**
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Peter Doyle, Chief*
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth St., S.W.
Room 2-A360
Washington, D.C. 20554


James Bradshaw, Deputy Division Chief*
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth St., S.W.
Room 2-A260
Washington, D.C. 20554

The Honorable Arthur I. Steinberg*
Administrative Law Judge
Federal Communications Commission
445 Twelfth St., S.W.
Room 1-C861
Washington, D.C. 20554

James Shook, Esq.*
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Room 3A-463
Washington, D.C. 20554

* Via Hand Delivery

** Via First Class Mail



Karen R. Kelly



KZPO (fm) REGINA DORSEY, SPECIAL ASST TO CFO

Federal Communications Commission
Washington, D.C. 20554

DUE DATE: 4/29/05

March 29, 2005

BALH-20040217AET

William L. Zawila, Esq
12600 Brookhurst Street
Suite 105
Garden Grove, California 92840

Dear Counsel:

We are in receipt of your request for wavier of regulatory fees and for reinstatement of application.

We have forwarded your request to the Office of the General Counsel for a determination. A written decision is anticipated within the next 30 days. If a decision has not been reached within 30 days, we will notify you in writing to tell you when we expect a resolution.

Please contact Regina Dorsey of my staff at (202) 418-1925 if you have any questions.

Sincerely,

Mark A. Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

TOM PUTMAN
R&ROG

FO E/MTS CNTL #

2005 00 4373

OFFICE OF
MANAGING DIRECTOR

February 24, 2005

DUE DATE: 2/24

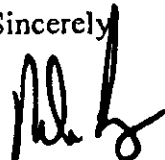
William L. Zawila, Esq.
12600 Brookhurst Street
Suite 105
Garden Grove, California 92840

Re: Petition for Waiver of Reg. Fees for
Estate of H.L. Charles, (Robert Willing,
Executor) Radio Station KZPE (FM)

Dear Counsel:

This letter is acknowledging receipt of your letter dated February 10, 2005, which was received by the FCC on February 11, 2005. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925. The FCC is experiencing significant delays in mail delivery. You may choose to fax or email any further correspondence to the Agency for a more timely response.

Sincerely



Mark A. Reger
Chief Financial Officer

RECEIVED - FCC

FEB 11 2005

Federal Communication Commission
Bureau / Office

Andrew S. Fishel, Managing Director
Federal Communications Commission
445 Twelfth St., S.W., Room 1-C152
Washington, D.C. 20554

Federal Communications Commission
Office of the Managing Director

C.A.#

- ☐ Chairman
- ☐ Commissioner
- ☐ Inspector General
- ☐ General Counsel
- ☐ Chief, OET
- ☐ Chief, Plans and Policy
- ☐ Chief, Adm. Law Judges
- ☐ Chief, EB
- ☐ Chief, WCB
- ☐ Chief, MB
- ☐ Chief, WTB
- ☐ Chief, CGB
- ☐ Chief, International Bureau
- ☐ Director, OLA
- ☐ Director, Media Relations
- ☐ Director, OCBO
- ☐ Chief, Workplace Diversity

- ☒ Managing Director *AT*
- ☐ Deputy Managing Director-RL
- ☐ Deputy Managing Director-BS
- ☐ Staff Assistant to Managing Director
- ☐ Assistant for Management
- ☐ Assoc. MD-PERM
- ☐ Assoc. MD-HRM
- ☐ Assoc. MD-AO
- ☒ Assoc. MD-FO
- ☐ Security Operations Staff
- ☐ Director, ITC
- ☐ The Secretary
- ☐ Other

- ☒ Appropriate Action
- ☐ Recommendation/Comment
- ☐ Review
- ☐ Signature
- ☐ Reply for _____

- ☐ Coordination
- ☐ Briefing Paper
- ☐ Written Response
- ☐ Verbal Response
- ☐ Other: _____

- ☐ Information
- ☐ As Requested
- ☐ Distribution
- ☐ See Me

CONTROLLED ASSIGNMENT: ☐ New ☐ Confirm ☐ Due Date _____

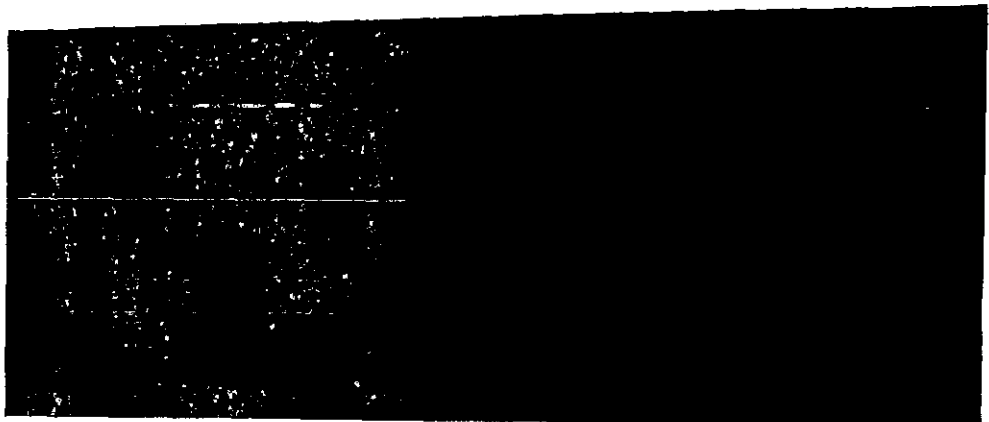
Remarks

MANAGING DIRECTOR

FEB 14 2005

From: _____

Date: _____
MD-23
Now/O:



BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In Re Estate of Linda Ware,)
Cynthia Ramage, Executor,)
Petitioner -)
Radio Station KZPO(FM),)
Lindsay, CA)

File No. BALH-20040217AEJ

To: The Managing Director and
Chief, Media Bureau

PETITION FOR WAIVER OF REGULATORY FEES AND FOR
REINSTATEMENT OF APPLICATION -

Petitioner Estate of Linda Ware, Cynthia Ramage, Executor, hereby requests that the Commission waive regulatory fees for KZPO(FM), Lindsay, California, and reinstate the above-referenced application for assignment of KZPO(FM) from the Estate of Linda Ware, Cynthia Ramage, Executor, to Lazer Broadcasting Corporation.

On January 7, 2005, the Commission issued a letter to the Estate of Linda Ware, Cynthia Ramage, Executor, dismissing the above-referenced application for failure to pay regulatory fees for KZPO(FM). In its letter of January 7, 2005, the Commission referred to an earlier letter of November 8, 2004, characterized as a "red light letter" which apparently was the basis for the dismissal announced in the letter of January 7, 2005.

The letter of January 7, 2005, was directed to Washington counsel for the Estate of Linda Ware, Cynthia Ramage, Executor, Ratten Muchin Zavis & Rosenman.

The letter of November 8, 2004, characterized as a "red light letter" was never received by the Estate of Linda Ware, Cynthia Ramage, Executor, prior to the letter of January 7, 2005, which announced the dismissal of the above-referenced application. It is the belief of the petitioner that the "red light letter" of November 8, 2004, was never received by the petitioner due to a deficient or incorrect address on the letter.

If the above-referenced "red light letter" of November 8, 2004, had been received by the petitioner, a petition for waiver of the regulatory fees discussed in the letter would have been filed prior to the dismissal of the above-referenced application.

REQUEST FOR WAIVER OF REGULATORY FEES -

The petitioner, the Estate of Linda Ware, Cynthia Ramage, Executor, is insolvent and bankruptcy is a distinct possibility.^{1/} The petitioner faces severe financial hardship. KZPO(FM) has been able to provide service to the public only through the cooperation and forbearance of its creditors and with volunteer help from the public. KZPO(FM) is the only local service at Lindsay, California. In the public interest, KZPO(FM) should be maintained on the air to provide service to the community. It is unknown how long the petitioner can continue to maintain KZPO(FM) on the air due to the petitioner's severe financial problems. Waiver of the regulatory fees for KZPO(FM) would allow

^{1/} Documentation supporting this statement is being compiled and will be submitted as a supplement hereto as soon as possible.

reinstatement of the above-referenced application which seeks to transfer KZPO(FM) to a known and financially capable broadcast licensee who will maintain KZPO(FM) on the air to provide service to the public.

Petitioner submits that it would be appropriate and in the public interest to waive the regulatory fee for KZPO(FM) so that the above-referenced application may be reinstated seeking transfer of KZPO(FM) to Lazer Broadcasting Corporation.


REQUEST FOR REINSTATEMENT OF APPLICATION -

Petitioner requests that the above-referenced application be reinstated in conjunction with a waiver of the above-discussed regulatory fee for KZPO(FM). The only ground for dismissal of the above-referenced application was failure to pay regulatory fees for KZPO(FM). Waiver of such regulatory fees would allow reinstatement of the above-referenced application which seeks to transfer KZPO(FM) to Lazer Broadcasting Corporation, a known and financially capable broadcast licensee who will maintain KZPO(FM) on the air to provide service to the public.

Petitioner submits that the waiver of regulatory fees for KZPO(FM) and the reinstatement of the above-referenced application would serve the public interest and that this petition should be granted for the reasons discussed above.

February 10, 2005

Respectfully submitted,



WILLIAM T. ZAWILA
Attorney For The Estate of
Linda Ware, Cynthia Ramage;
Executor

-3- 12600 Brookhurst Street-Suite 105
Garden Grove, CA 92840
(714) 636-5040 - Telephone
(714) 636-5042 - FAX

CERTIFICATE OF SERVICE

I, Karen R. Kelly, a secretary at Katten Muchin Zavis Rosenman, hereby certify that on this 11th day of February, 2005, a copy of the foregoing **PETITION FOR WAIVER OF REGULATORY FEES AND FOR REINSTATEMENT OF APPLICATION** was sent via Hand Delivery or First Class mail to the following:

Andrew S. Fishel*
Managing Director
Federal Communications Commission
445 Twelfth St., S.W.
Room 1-C152
Washington, D.C. 20554

Harry Martin, Esq.**
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Peter Doyle, Chief*
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth St., S.W.
Room 2-A360
Washington, D.C. 20554

James Bradshaw, Deputy Division Chief*
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth St., S.W.
Room 2-A260
Washington, D.C. 20554

The Honorable Arthur I. Steinberg*
Administrative Law Judge
Federal Communications Commission
445 Twelfth St., S.W.
Room 1-C861
Washington, D.C. 20554

James Shook, Esq.*
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Room 3A-463
Washington, D.C. 20554

- * Via Hand Delivery
- ** Via First Class Mail



Karen R. Kelly